

Government of the District of Columbia

ZONING COMMISSION



Application No. 14227 of Larry D. Quillian, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to operate a parking lot in an R-4 District at premises 318-326 6th Street, S.E., (Square 874, Lots 808 33, 34, and 35).

HEARING DATE: January 16, 1985

DECISION DATE: February 6, 1985

FINDINGS OF FACT:

1. The subject property is located on the east side of 6th Street, S.E., between Pennsylvania Avenue and D Street, at premises known as 318-324 6th Street, S.E. It is zoned R-4.

2. The subject property is currently used as a parking facility pursuant to BZA Order No. 13866, dated April 11, 1983. The site has been used for parking purposes since 1958.

3. The applicant proposes the continuation of this lot for accessory parking for office suites located at 603-605 Pennsylvania Avenue, S.E.

4. Adjacent to the north and east of this site are the rear yards of commercial establishments fronting on Pennsylvania Avenue. There are a number of restaurants and carry-outs, dry cleaning establishments and a variety of other retail and service establishments in the 600 block. South of this parking lot fronting on 6th Street are row dwellings. Row dwellings are also located on the west side of 6th Street at this location as well as along D Street between 6th and 7th Streets.

5. Pennsylvania Avenue forms the principal commercial district for this area. It is zoned C-2-A between 2nd Street and the Anacostia River except for the public parks and squares along its length. The bulk of land in the area is zoned R-4. The majority of residential structures are row dwellings, although there are apartment buildings scattered throughout the area.

6. The subject four lots have a combined area of approximately 5,529 square feet. The lot accommodates eighteen vehicles and serves as accessory parking for the

office establishments located at 603-605 Pennsylvania Avenue, S.E.

7. The lot is open from 9:00 A.M. to 5:00 P.M. to correspond to the general working hours of the office tenants at 603-605 Pennsylvania Avenue, S.E.

8. The applicant controls the operation and maintenance of the lot. The lot is cleaned daily by the tenants as part of a lease agreement.

9. The lot is left open in the evenings and on weekends to permit parking without charge to area residents and visitors.

10. The applicant has received no complaints about the operation of the lot. Some area residents have complained to him about not being allowed to use available spaces during the day. As noted in BZA Order No. 13866, the policy of permitting resident parking during daytime hours in the past proved troublesome, since the use of the lot got out of control and the tenants were losing spaces. That policy has been discontinued.

11. The applicant testified that all conditions of the previous order have been met, including the paving of the lot which was repaired in accordance with the terms of prior orders of the Board. However, weather conditions have caused deterioration of the paved surface. The applicant requested that the Board approve the continuation of the subject parking lot for a longer period to make repaving of the entire lot economically practical.

12. The Department of Public Works (DPW), by memorandum dated December 24, 1984, offered no objection to the subject application. It was the opinion of the DPW that the subject lot serves retail and service uses in the area and that if the use of the lot were discontinued, there would be an increase in traffic congestion due to existing inadequate parking in the area. The Board so finds.

13. A representative of Advisory Neighborhood Commission (ANC) 6B appeared at the public hearing and requested the Board to waive the requirements of Section 108.1 of the Supplemental Rules of Practice and Procedure before the BZA. The ANC office was closed on the date that its report should have been submitted due to heating problems and the absence of two staff members due to illness. The Chairperson denied the requested waiver.

14. The representative of ANC 6B testified that the ANC opposed the application unless the applicant conforms with the BZA decision regarding Application No. 13866 and ANC 6B's previous position set out in 1982 and reiterated as

supporting the installation of a sidewalk cafe at Mr. Henry's, a nearby restaurant.

15. The Board has no record on the ANC's position regarding the sidewalk cafe, nor does the record in BZA application No. 13866 contain any reference to that position.

16. The applicant testified that he also owns Mr. Henry's and that the Public Space Committee held a hearing on the issue of the sidewalk cafe. The ANC was involved in that process and had the opinion that the subject lot must be used for parking to serve the restaurant. The applicant noted that the prior BZA approval limited the use of the subject lot to tenants of 603-605 Pennsylvania Avenue and, therefore, the lot could not be used to accommodate the restaurant parking.

17. The former chairman of the Planning and Zoning Committee of ANC 6B confirmed the statement of the applicant regarding the controversy of the parking lot and the sidewalk cafe.

18. The Board is required by statute to give "great weight" to the written issues and concerns of the ANC. The Board finds that no written report was timely submitted. The Board further finds that the concerns raised by the representative of the ANC are not within the jurisdiction of this Board, and cannot be addressed as a zoning issue.

19. There was an opposition to the continuation of the parking lot.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that he has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The parking lot is reasonably necessary and convenient to the properties it serves, its use will not create any dangerous, objectionable or adverse conditions, nor will the use affect adversely the present character and future development of the neighborhood. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

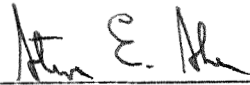
1. Approval shall be for a period of FIVE YEARS from the date of expiration of the prior order, namely from August 31, 1984.
2. Parking shall be limited to the tenants and customers of 603-605 Pennsylvania Avenue, S.E., during hours of operation of the the businesses at 603-605 Pennsylvania Avenue, and shall be open for use by neighbors of the lot at other hours.
3. The sign located on the parking lot shall be updated and restored to reflect the above condition.
4. The applicant shall provide a waist high hedgewall between the parking lot and the sidewalk and maintain it in a healthy growing condition.
5. The lot shall be repaved or resurfaced, as necessary.
6. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
7. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
8. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
9. All parts of the lot shall be kept free of refuse or debris and shall be pave or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
10. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
11. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Douglas J. Patton to grant; Maybelle T. Bennett and Carrie L. Thornhill not voting, not having

heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 23 APR 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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